

11/21/2019

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

DANIEL McMAHON,

*Defendant.*

CASE NO. 3:19-cr-00014

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant Daniel McMahon's first motion to continue the trial of this matter currently scheduled for December 23, 2019. Dkt. 27. The basis for Defendant's request is defense counsel's need for additional time to review both the materials received through discovery as well as those materials expected to be produced. *Id.* at ¶¶ 3–4. As represented by Defendant, defense counsel has conferred with the Government and does not expect any objection to this request. *Id.* at ¶ 8.

The Speedy Trial Act generally requires that a criminal trial begin within seventy days of the filing of an information or indictment or the defendant's initial appearance. 18 U.S.C. § 3161(c)(1). However, the time required for various delays can be excluded from that timeframe. In accordance with 18 U.S.C. § 3161(h)(7)(a), and having considered the factors listed in § 3161(h)(7)(a), the Court will grant the requested continuance and exclude the time between December 23, 2019, and trial because "the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 316(h)(7)(a).

Accordingly, in the interests of justice, Defendant's Motion to Continue is **GRANTED**. The trial of Defendant Higgins is hereby **CONTINUED** to June 15, 2020, at 9:30 A.M. and continuing for two (2) days thereafter, concluding on June 17, 2020. The time period between December 23, 2019, and June 15, 2020, will be excluded from the calculation of time under the Speedy Trial Act.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order to the Defendant and all counsel of record.

**ENTERED** this 21<sup>st</sup> day of November, 2019.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE